Bribery prosecution nears end

By LANNY THOMAS 9-11-73

The government has wound up its prosecution case against Dist. Atty. Jim Garrison and two others with testimony that $1,000 in marked bribe money was seized in Garrison's home the day of his arrest.

Internal Revenue Service agent James L. McCormick said yesterday he found the money in a desk drawer at Garrison's residence the morning of June 30, 1971.

The government claims the money was delivered in a marked envelope to Garrison the night before by undercover agent Pershing O. Gervais.

THE NINE-MAN, three-woman jury also heard a taped conversation between Gervais and Garrison as Gervais visited the DA's house the night preceding his arrest.

U.S. Dist. Court Judge Herbert W. Christenberry gave the jury the day off today as defense attorneys prepared to file several motions.

The government will show exhibits to the jury the first thing tomorrow morning—the only move left before it rests its case. All government witnesses have been called.

The defense should begin calling its witnesses no later than noon tomorrow.

GARRISON, 52, and pinball executives John Aruns Callery, 63, and Robert Nims, 45, are charged with conspiracy to obstruct law enforcement by giving and taking bribes to protect pinball gambling. They have been on trial since Aug. 20.

The government closed its testimony without calling the controversial Gervais, a friend of Garrison who turned government spy and secured the taped conversations of defendants.

Prior to yesterday's testimony, the jury had heard taped conversations in which Gervais allegedly delivered $1,000 in bribe money to Garrison on three occasions in 1971.

IRS agent Joel Lanoux testified that money allegedly handed to Garrison the night of June 29, 1971, was a payoff from New Orleans Novelty Co.

Lanoux said Harby Marks, an employe of the company, delivered $2,000 in 40 $50 bills to Gervais the afternoon of June 29.

THAT MONEY, however, was substituted with bills from a government fund and $1,000 was placed in two envelopes — one for Garrison and the other for former police Capt. Frederick A. Soule Sr., Lanoux said.

Serial numbers of the bills were recorded, said Lanoux, and the bills and envelopes were dusted with a fluorescent powder that is detectable only under a black light.

Agent Henry Martin said he recorded a telephone conversation between Garrison and Gervais about 5:30 p. m. on June 29. In that conversation Gervais tells Garrison he will see him at 8 that night at his home. Garrison called Gervais at the Fontainebleau Motor Hotel.

Agents testified they drove Gervais with $1,000 to the Garrison residence about 8:30 that night and monitored and recorded their conversation in the same manner they did on three previous occasions.

GERVAIS WAS equipped with a microphone and radio transmitter concealed in his clothing, they said.

McCormick said he was under instructions to look for the envelope containing the money in a desk drawer in the den when he and four other agents entered Garrison's home the following morning with a search warrant and a warrant for the DA's arrest.

McCormick said he asked Garrison to open the locked drawer and Garrison told him the key was in his office.

Later, on cross-examination, McCormick said Garrison offered to send for the key. But McCormick said he told Garrison he had to get in the desk immediately.

McCormick said he pried open the desk with a small crowbar and found an envelope containing 20 $50 bills. He said he asked Garrison where the money came from and Garrison told him a "friend" left it there the day before for safekeeping.

When Garrison was asked who the friend was, the DA said he could not reveal the name without his permission, McCormick testified.

Judge Christenberry asked McCormick if he asked Garrison how he locked the desk the previous day when the key was in the office. McCormick said he did not.

Serial numbers on bills inside the envelope matched those recorded by IRS agents, McCormick said. The money was introduced as evidence.

IRS agent Irving Johnson told the jury he examined Garrison in a dark room with a black light the morning of his arrest and found traces of fluorescent powder on his hands.

Johnson said the money, as well as the envelope, found in Garrison's home also contained traces of the powder.

Lanoux testified that Gervais gave Soule, who was assigned to Garrison's office, the other envelope containing $1,000 from Marks early the morning of June 30. IRS agent John H. Upshaw said he recovered $500 of that money when he arrested Soule a few hours later.

Soule pleaded guilty in the case and testified that pinball dealers paid him some $63,000 in bribes over an eight-year period—money he said he buried in a pickle jar in the backyard.

In the June 29 conversation, Garrison tells Gervais he is planning to bring Frank Klein, a former executive assistant, back into his office as his top administrative assistant.

Klein quit the post with Garrison once after a dispute with Gervais.

Garrison says the appointment of Klein will counter the effect of statements being made by William Alford, another assistant.

Alford had stated at that time he was quitting the office because of interference with a grand jury investigation into pinball gambling.